

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19443 of 2021**

Arising Out of PS. Case No.-444 Year-2020 Thana- TAJPUR District- Samastipur

Ram Lakhan Sahni @ Lakhan Sahni Son Of Chumnath Sahni Resident Of
Village- Gunai Basahi, Ward No.-1, P.S- Tajpur, District- Samastipur
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy,Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Tajpur P.S. Case No. 444 of 2020 registered for the offences punishable under Sections 30(a) and 30(d) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, the police on secret information that some persons are involved in making and selling of illicit liquor raided the place of occurrence and arrested this petitioner but other two persons managed to escape. On search of the said place, 400 liters of spirit, and empty boxes etc. were recovered.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no recovery from the conscious possession of the petitioner. The petitioner is in custody since 30.11.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the illicit liquor has not been recovered from the house of the petitioner or from his conscious possession, he has no criminal antecedent and has been implicated in this case on mere suspicion, he has remained in custody in connection with this case since 30.11.2020, investigation against him is complete but the trial is not likely to take place in near future, in the circumstances, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge, Excise, Samastipur in connection with Tajpur P.S. Case No. 444 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to



the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

